

## McWhorter, Scott

---

**From:** Baris, Reuben  
**Sent:** Monday, January 11, 2016 8:59 AM  
**To:** TenBrook, Patti  
**Cc:** Kenny, Daniel  
**Subject:** RE: Roundup products used on roadsides

Hi Patti,

Thanks for the note. Unfortunately I do not have any additional insight or update(s) except what I sent you on the 31<sup>st</sup>. If you'd like to chat more about it please let me know and I can set something up.  
reuben

REUBEN BARIS | PRODUCT MANAGER 25 | U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

---

**From:** TenBrook, Patti  
**Sent:** Monday, January 11, 2016 11:27 AM  
**To:** Baris, Reuben  
**Cc:** Kenny, Daniel  
**Subject:** RE: Roundup products used on roadsides

Hi Reuben,

We will be meeting with the Hawaii Dept. of Ag on Tuesday afternoon to talk about glyphosate labels. While our initial inquiry was about a specific product, there seems to be inconsistency on non-ag glyphosate products in general with respect to the statement, "Keep children/people and pets off treated areas until spray has dried." Some have it and some do not.

Any insight/update you can provide would help us with our discussions with HI Dept. of Ag, as well as with the many citizen inquiries we have been getting recently.

Regards,  
Patti

---

Patti L. TenBrook, Ph.D.  
Life Scientist, Acting Manager  
U.S. EPA Region 9, LND-2-2  
75 Hawthorne St.  
San Francisco, CA 94105  
415-947-4223

---

**From:** Baris, Reuben  
**Sent:** Thursday, December 31, 2015 6:20 AM  
**To:** Cooper, Pam <[Cooper.Pam@epa.gov](mailto:Cooper.Pam@epa.gov)>; TenBrook, Patti <[TenBrook.Patti@epa.gov](mailto:TenBrook.Patti@epa.gov)>; Grisier, Mary <[Grisier.Mary@epa.gov](mailto:Grisier.Mary@epa.gov)>  
**Cc:** Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>  
**Subject:** FW: Roundup products used on roadsides

Hello Pam, Patti and Mary,

Dan asked me to look into your inquiry. Unfortunately I was not able to uncover the exact reason why this language wasn't originally included on the label, except I recently answered a SLITS question from Hawaii on this specific registration (though it was pertinent to the ABN Aquamaster Herbicide). For this inquiry the Aquamaster product is a subset of uses that do not fall under WPS, therefore the ag use and non-ag use boxes are not required.

If a registered product contains uses that are both subject to WPS and not subject to WPS, the registrant should be encouraged to have separate registrations for each use type. However, the registrant is allowed to register the product with both use types on one label and/or choose to market the product with two sub-labels (under one registration) featuring only one of the use types on each sub-label. The registrant may market the product under two distinctly different product labels, using additional brand names for the WPS labeling and non-WPS labeling.

I'm not sure exactly what sub-set of uses are being referenced in the enforcement inquiry, but we are currently working with Monsanto on a complete label overhaul for 524-343 where we have looked closely at all of the language on the master label. The last approved label was in Nov 2013 so if we determine that the pets and persons until dried statement is required, we'll certainly add it to the label before approving it.

I hope this helps. If I have misrepresented anything please give me a call. I am in the office today (12/31), I'll be out of the office all of next week while I finish my last week of Jury Duty, then I'll be back in the office on a regular schedule.

Happy New Year!  
reuben

REUBEN BARIS | PRODUCT MANAGER 25 | U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF PESTICIDE PROGRAMS | (703) 305-7356

---

**From:** Kenny, Daniel  
**Sent:** Wednesday, December 30, 2015 5:46 PM  
**To:** Baris, Reuben <[Baris.Reuben@epa.gov](mailto:Baris.Reuben@epa.gov)>  
**Subject:** FW: Roundup products used on roadsides

Hi Reuben. I hope all is well. Sorry I'm going to miss you, but thanks for coming in on Thursday. If you have time, I was hoping that you could research a glyphosate question for Patti Tenbrook in Region 9. There is some history below, basically people applying glyphosate products to roadsides and possibly not ensuring that people and pets are out of the areas until the sprays have dried (some of it could be intentional to keep them from spraying apparently).

Anyway, they found a product that doesn't have the people/pets statement on it, and Patti is wondering why that is. It could be because we didn't require it accidentally, we decided it wasn't necessary and didn't require it, we required it but they didn't add it to the label, etc. The product is EPA Reg. No. 524-343. Would you have someone look into it and possibly get back to Patti and me with what they find? If you don't have time for this, if you would assign it to someone to looking into it in the not too distant future, that would be helpful.

We're looking forward to getting you back soon. Happy New Year!

Dan

---

**From:** Cooper, Pam  
**Sent:** Monday, December 07, 2015 5:12 PM  
**To:** Kenny, Daniel <[Kenny.Dan@epa.gov](mailto:Kenny.Dan@epa.gov)>  
**Cc:** Grisier, Mary <[Grisier.Mary@epa.gov](mailto:Grisier.Mary@epa.gov)>; TenBrook, Patti <[TenBrook.Patti@epa.gov](mailto:TenBrook.Patti@epa.gov)>  
**Subject:** FW: Roundup products used on roadsides

Dan –

Per my v-mail, we are not sure how to ensure compliance with the label language indicated below. The attached language is similar, but meant for applicators. Any thoughts ?

Pam

***Pamela Cooper, Manager***  
Pesticides Office (LND-2-2)  
US EPA, Region 9  
San Francisco, CA  
415.947.4217

---

**From:** TenBrook, Patti  
**Sent:** Tuesday, December 01, 2015 11:13 AM  
**To:** Grisier, Mary <[Grisier.Mary@epa.gov](mailto:Grisier.Mary@epa.gov)>  
**Cc:** Cooper, Pam <[Cooper.Pam@epa.gov](mailto:Cooper.Pam@epa.gov)>  
**Subject:** RE: Roundup products used on roadsides

Mary,

Both RoundupMax (EPA Reg. No. 524-579) and RoundupPro (EPA Reg. No. 524-475) have the following language:

In the Non-Agricultural Use box: “Keep people and pets off treated areas until spray solution has dried.”  
I would also note that the REI is 4 hours, which indicates that it probably takes about 4 hours for adequate drying.

Glyphosate is handled by OPP Registration Division, Herbicide Branch, Product Management Team 25. Dan Kenny is Branch Chief; 703-305-7546; [Kenny.dan@epa.gov](mailto:Kenny.dan@epa.gov).

I found this chapter from a Hawaii Dept. of Transportation manual. See page 196 (34 of the pdf) for a Tip that recommends closing off until dry for areas of significant public use.  
[http://hidot.hawaii.gov/highways/files/2013/02/Landscape-ch10\\_PESTICIDES.pdf](http://hidot.hawaii.gov/highways/files/2013/02/Landscape-ch10_PESTICIDES.pdf). That’s bothersome because it is a rather weak recommendation of an approach to implementing a label requirement.

The Labeling Consistency webpage has this related, but significantly different, question and response:

**Labels with non-agricultural use requirements often have statements such as “Do not allow people or pets on treatment area during application. Do not enter treatment areas until sprays have dried...”**

**Regarding the second sentence of that statement, is it directed at all people or just workers that the applicator has control over? Is it the responsibility of the applicator to make sure that no one enters the treated area until sprays have dried, and if so, how can the applicator accomplish that when applying to roadside right-of –ways and other areas that they cannot realistically control? LC07-0123; 11/15/07**

The label language cited (or similar labeling) appears on many labels with non-agricultural uses and must be read carefully in the context of the entire labeling of the product. There are many variations of the statements cited above and based on the wording of the statements they may have different meanings. On some labels the

prohibitions against entry are specific to certain uses. On other labels the prohibitions are expressed in such a way that the prohibition applies to a broad array of uses.

The prohibition in the language cited above applies specifically to the applicator of the pesticide. The first sentence requires the applicator to keep people or pets from entering the treatment area during application. While the applicator may not be able to control the movement of people or pets into the area, the applicator can and must stop applying the pesticide if people or pets enter the area being treated. The second sentence prohibits the applicator from entering the treated area until sprays have dried. Neither sentence would require the applicator to have a continuing obligation to keep people or pets out of the treated area after application of the pesticide.

---

By that logic, it seems that for the Roundup products we're looking at, the applicator would be responsible for keeping people and pets out of the area until dry.

That's all I have for now. Let me know if you need more before approaching Enforcement Div. or OPP.

Regards,  
Patti

---

Patti L. TenBrook, Ph.D.  
Life Scientist  
U.S. EPA Region 9, LND-2-2  
75 Hawthorne St.  
San Francisco, CA 94105  
415-947-4223

---

**From:** Grisier, Mary  
**Sent:** Tuesday, December 01, 2015 9:17 AM  
**To:** TenBrook, Patti <[TenBrook.Patti@epa.gov](mailto:TenBrook.Patti@epa.gov)>  
**Cc:** Cooper, Pam <[Cooper.Pam@epa.gov](mailto:Cooper.Pam@epa.gov)>  
**Subject:** FW: Roundup products used on roadsides

Hi Patti-  
Here's what Avis sent re: roadside products.

---

**From:** Onaga, Avis S [<mailto:Avis.S.Onaga@hawaii.gov>]  
**Sent:** Monday, November 30, 2015 4:25 PM  
**To:** Grisier, Mary <[Grisier.Mary@epa.gov](mailto:Grisier.Mary@epa.gov)>  
**Subject:** Roundup products used on roadsides

Hi, Mary,

The three Big Island complaints about highway spraying involved Roundup ProMax Herbicide (EPA Reg. No. 524-579) and Roundup Pro Concentrate Herbicide (EPA Reg. No. 524-529).

Maui's complaints involved Roundup Pro Herbicide (EPA Reg. No. 524-475) and Roundup ProMax Herbicide (EPA Reg. No. 524-579),

Oahu's complaint involved the use of Roundup ProMax Herbicide (EPA Reg. No. 524-579).

There were no recent complaints involving highway spraying on Kauai.

Regards,

Avis  
Avis S. Onaga  
Environmental Health Specialist  
Hawaii Department of Agriculture  
Pesticides Branch  
1428 S. King St.  
Honolulu, Hawaii 96814

Phone: (808) 973-9410

Fax: (808) 973-9418